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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10 051,530 01/22/2002 David L. Wortman 51806US008 2971

32692 7590 06/05/2003

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ST. PAUL, MN 55133-3427

EXAMINER

LEE, GUIYOUNG

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 06/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/051,530

Applicant(s)

WORTMAN ET AL

Examiner

Guiyoung Lee

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☒ Claim(s) 10-13, 15-23, 25, 27 and 33-44 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- 1 ☐ Certified copies of the priority documents have been received.
- 2 ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- 3 ☐ Copies of the certified copies of the priority documents have been received in this National Stage.

a) ☐ The translation of the foreign language provisional application has been received.

- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachments:

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## DETAILED ACTION

### *Priority*

1. This application discloses and claims only subject matter disclosed in prior Applications No. 08/915,553, filed August 07, 1997 and No. 08/494,981, filed June 26, 1995, and names an inventor or inventors named in the prior application. Accordingly, this application may constitute a continuation or division. Should applicant desire to obtain the benefit of the filing date of the prior application, attention is directed to 35 U.S.C. 120 and 37 CFR 1.78.

### *Drawings*

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: the reflector 122 is not shown in Fig. 9. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. The specification of the present application, filed on 08/07/97, does not comply with 35 U.S.C. 112, second paragraph, because the specification does not conclude with one or more claims particularly pointing out and distinctly claiming the invention.

the invention.

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Re claims 1, 24, 44, and 45: The limitation that "at least about 80% of normal light and at least about 80% of light incident at an angle of 60 degrees from normal" is indefinite. First, the phrase "normal light" is unclear to the Examiner since neither the specification nor the drawing reveal what is meant by this. Second, the phrase "at an angle of 60 degrees from normal" is unclear because the drawing does not show an angle of 60 degrees. Further, it is unclear whether the word "normal" indicates normal light or normal angle. It is therefore not possible for one of the ordinary skill in the art to determine the scope of this claim. For examining purpose, it is assumed that any incident angle is possible.

Re claims 2-23, 25-43, 46-53 are necessarily rejected because of their dependency.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made

6. Claims 1-9, 14, 24, 26, 28-32, and 45-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitehead (USPT 5,661,839).

Re claims 1-9, 14, 24, and 45-53: Whitehead teaches a backlight system having a light guide (38

cavity reflector. However, specification implies a light source and a lamp cavity reflector (col. 3,

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lines 44-60). It would have been obvious to one having ordinary skill in the art at the time of the invention to employ a light source and a lamp cavity reflector as implied in the specification.

Re claims 26 and 28-31 : Whitehead teaches a first layer comprising an oriented birefringent polymer, the first layer having an average thickness of not more than about 0.5 microns; and a second layer of a selected second polymer, each second layer having an average thickness of not more than 0.5 microns (col. 5, lines 50 ++ and Fig. 4).

Re claim 32: Whitehead teaches that the refractive index of one polymer is higher than the other polymer (col. 5, lines 50 ++).

***Allowable Subject Matter***

8. Claims 10-13, 15-23, 25, 27, and 33-44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is an examiner's statement of reasons for allowance: With regard to claims 10-13 and 25, the prior art of record fails to teach diffusing means having diffusing particles within one layer of the multiple layer optical film. With regard to claims 15-23, the prior art of record does not teach a lamp cavity reflector comprising a multiplayer optical film, which

record fails to disclose the chemical compositions of the birefringent polymers set forth in the

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claims. Further, the prior art of record fails to disclose the difference of the index of refraction the layers, as set forth in the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Guiyoung Lee** whose telephone number is **(703) 308-8567**. The examiner can normally be reached between the hours of 8:00 AM to 3:30 PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea, can be reached on (703) 305-4939. The fax phone number for this Group is (703)872-9318 (before final rejection), (703)872-9319 (after final rejection). The Right Fax phone number for the examiner is (703)746-4766.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be

sent to: **Guiyoung Lee at uspto.gov**

*This communication is intended to inform you of the examiner's position. It is not intended to constitute an offer of an interview. This is more clearly set forth in the Internet Interview Usage Policy published on the USPTO website.*

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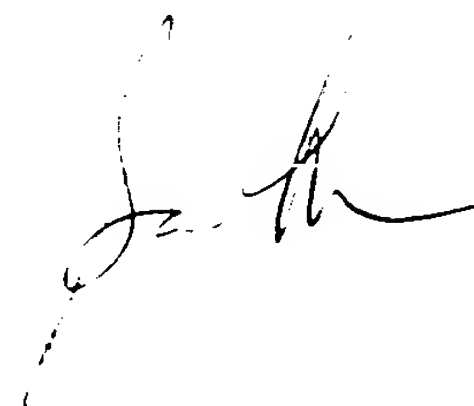
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

GYL

GAU2875

May/29/2003

A handwritten signature in black ink, appearing to be "J. H.", is located on the right side of the page.